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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re Application of
Andreas Winter et al.
Serial No. 08/679,558
Filed: JULY 12, 1996
For: POLYOLEFIN MOLDING COMPOSITION HAVING A BROAD MELTING RANGE,
PROCESS FOR ITS PREPRARATION, AND ITS USE

D E C L A R A T I O N

I, Andreas Winter, Dr. rer. nat., a citizen of the Federal
Republic of Germany and residing at 10, Taunusblick,
61479 Glashütten, Federal Republic of Germany, declare as follows:

I am a fully trained chemist, having studied chemistry at the
University of Konstanz;

I received the following academic degrees: Vordiplom Chemie
(University of Konstanz, 1977); Diplomchemiker (University of
Konstanz, 1980); Ph.D. (University of Konstanz, 1983);

the graduate work leading to my Diplom in chemistry and to my
Ph.D. involved organic chemistry, organometallic chemistry -
involving metallocene catalysts - and physical chemistry.

I am well acquainted with technical English;

From 1984 to 1997, I have been employed by Hoechst
Aktiengesellschaft in various capacities. I worked first in the
field of Ziegler-Natta catalysts in the Hoechst Polypropylene
Business Unit (research, development and production) and from 1987
to 1997, I was a member of the Hoechst Metallocene Project Team,
which was one of the leading metallocene catalysts groups in the
world. From 1997 to the present, I work for Targor GmbH still in
the field of metallocene polypropylene.

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In the metallocene catalyst field I am inventor up to now of over 60 U.S. Patents and patent applications and author of more than 20 publications and lectures.

I am one of the inventors of the invention disclosed and claimed in Application Serial No. 08/679,558 and am therefore familiar with the field to which the said application relates, and with the Examiner's objections, according to which the invention is anticipated by or, in the alternative, obvious over EP-A 310 734 (Ewen).

Essentially, the instant application relates to a process for the preparation of a polyolefin molding composition comprising at least two polyolefinic components, wherein the composition is characterized by a broad, bimodal or multimodal melting range.

In order to show that the present invention is not anticipated by or obvious over EP-A 310 734, I repeated its Example 7 with the metallocenes and under the polymerization conditions shown in Table 1 of EP-A 310 734 for this example. The melting behavior was determined by DSC spectrometry (heating/cooling rate 20°C/min) in the second heating run, i.e. under the conditions used in the present application. The following melting characteristics were observed:

   melting point (melting peak maximum) 126°C, no shoulder

   half-intensity width of the melting peak 8.5°C

   width at the quarter peak height 12°C

This means the polymer of Example 7 of EP-A 310 734 has a much narrower melting range than the polyolefin molding compositions of the present invention.

I declare that all statements made herein of my own knowledge are true and that all statements made on information or belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under

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Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed at 65926 Frankfurt, Germany, this   21ᵗʰ day of
            September, 1999.

Signature of Declarant

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